

William A. Kershaw (State Bar No. 057486)

Email: wkershaw@kcrlegal.com

Stuart C. Talley (State Bar No. 180374)

Email: stalley@kcrlegal.com

Ian J. Barlow (State Bar No. 262213)

Email: ibarlow@kcrlegal.com

KERSHAW, CUTTER & RATINOFF LLP

401 Watt Avenue

Sacramento, California 95864

Telephone: (916) 448-9800

Facsimile: (916) 669-4499

Attorneys for *Plaintiffs*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MONITA SHARMA and ERIC ANDERSON, on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

BMW OF NORTH AMERICA, LLC, a
Delaware Limited Liability Company,

Defendant.

Case No. 3:13-cv-02274-MMC (KAW)

**STIPULATED ADMINISTRATIVE
MOTION FOR LEAVE TO EXCEED
PAGE LIMIT FOR ATTACHMENTS
RELATED TO DISCOVERY LETTER
BRIEFS; AND [PROPOSED] ORDER**

Magistrate Judge Kandis A. Westmore

Pursuant to Northern District of California Civil Local Rules 7-11 and 7-12, Plaintiffs Monita Sharma and Eric Anderson (“Plaintiffs”) and Defendant BMW of North America, LLC (“BMW NA” or “Defendant”), by and through their respective attorneys, hereby stipulate as follows:

STIPULATION

WHEREAS, the parties previously filed three joint discovery letter briefs (Dkt. Nos. 110, 111 and 113), which were terminated after the parties “failed to propose a compromise in their filings, . . .” (Order Terminating Discovery Letter Briefs (Dkt. No. 114));

1 WHEREAS, the parties have extensively met and conferred and exchanged final proposed
 2 compromises pursuant to this Court's Order Terminating Discovery Letter Briefs, but were
 3 unable to reach agreements, including on discovery disputes regarding: (1) BMW NA's further
 4 responses and production of documents related to the design, manufacturing and testing for
 5 putative class vehicles; and (2) the limited scope of BMW NA's discovery responses;

6 WHEREAS, the parties have included proposed compromises in the respective sections of
 7 their discovery letter briefs pursuant to this Court's Order Terminating Discovery Letter Briefs;

8 WHEREAS, as with the parties' initial filings, two of the impending joint discovery letter
 9 briefs involve disputes that relate to several interrogatories and requests for production of
 10 documents and, for purposes of economy and judicial efficiency, the parties have structured their
 11 letter briefs so that they separately address a single overarching issue as opposed to filing multiple
 12 joint discovery letter briefs based on the same issue. For example, the parties' discovery dispute
 13 regarding "design and manufacturing" documents and responses encompasses twenty-two
 14 separate document requests and eleven interrogatory responses, and the parties' "discovery
 15 scope" dispute encompasses twenty separate document requests and eleven interrogatory
 16 responses;¹

17 WHEREAS, the Standing Order for Magistrate Judge Westmore was revised on
 18 December 22, 2015, after the parties filed their initial joint discovery letter briefs, and now
 19 requires that "[a]ny attachments shall not exceed 12 pages." (Standing Order for Magistrate
 20 Judge Westmore ¶ 13); and

21 WHEREAS, the parties were able to present these overarching disputes in joint letters that
 22 do not exceed five pages (as required by the Court's Standing Order), because the parties are
 23 required to attach the propounded discovery and applicable responses as exhibits to the joint
 24 discovery letters (*id.*) and two of their joint letters relate to a single issue that involves several
 25 discovery requests, they are unable to fully comply with the page limitation for attachments.

26
 27 ¹ The parties' joint discovery letter brief regarding BMW NA's document retention policies relates to a
 28 single document request and was filed on February 29, 2016. (Dkt. No. 130.)

1 (See, e.g., Dkt. Nos. 111-1, 111-2, 111-4);

2 NOW, THEREFORE, undersigned counsel for the parties, having met and conferred and
3 good cause appearing, hereby stipulate and agree to extend the page limit for attachments to two
4 of their joint discovery letter briefs as follows:

5 1. Joint Discovery Letter Re: Manufacturing Documents and Responses: Exhibit C (33
6 pages); Exhibit D (16 pages); and Exhibit F (26 pages); and
7 2. Joint Discovery Letter Re: Limited Scope of Discovery Responses: Exhibit A (29
8 pages); Exhibit B (19 pages); and Exhibit D (16 pages).

9
10 **IT IS HEREBY STIPULATED.**

11
12 Dated: March 1, 2016.

KERSHAW, CUTTER, & RATINOFF, LLP

13
14 By: /s/ William A. Kershaw
15 WILLIAM A. KERSHAW
16 Stuart C. Talley
17 Ian J. Barlow
401 Watt Avenue
Sacramento, California 95864
Telephone: (916) 448-9800
Facsimile: (916) 669-4499

18 *Attorneys for Plaintiffs*

19
20 Dated: March 1, 2016.

SQUIRE PATTON BOGGS LLP

21
22 By: /s/ Eric J. Knapp
23 ERIC J. KNAPP
24 Troy M. Yoshino
Aengus H. Carr
44 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone: (415) 989-5900
Facsimile: (415) 989-0932

25
26 *Attorneys for Defendant*

27 **Civil L.R. 5-1(i) Certification**

28 The filing attorney hereby certifies that concurrence in the filing of the document has been
obtained from each of the other signatories, in full accordance with Civil Local Rule 5-1(i).

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/7/16

Kandis Westmore
Honorable Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF CALIFORNIA